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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
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| 10/780,983      | 02/18/2004  | Terry D. Rodgers     | H0006490-0555 (17267) | 3325             |

128 7590 08/10/2007  
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| EXAMINER |
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KIM, AHSHIK

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| ART UNIT | PAPER NUMBER |
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2876

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| MAIL DATE | DELIVERY MODE |
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08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/780,983

**Applicant(s)**

RODGERS, TERRY D.

**Examiner**

Ahshik Kim

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/17/07 (Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) 20-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Amendment***

1. Receipt is acknowledged of the amendment filed on May 17, 2007. Currently,  
5 claims 1-16, 18, 19, 26, and 27 remain in the examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 15 3. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tani (US 2004/0094,630) in view of Young et al. (US 3,646,323, hereinafter "Young")

Tani discloses an inventory management apparatus for an automated assembly machine (see the main figure) that is fed components from a component reel 2, the  
20 component reel comprising a tape 5 having the components carried at periodic locations along the tape (see figures 2 and 3), the apparatus comprising a reader 110 (figure 13, paragraph 0103) for reading the identification tag on the tape; and a plurality of transmitters as indicated by arrows in figure 13 (paragraph 0107). Although Tani may not disclose the term "pinch roller" in explicit manner, as shown in figure 1, a roller  
25 (above the arrow mark) or other similar means of moving the tape along the direction of the arrows 202 and 203 are disclosed.

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Tani, however, fails to specifically teach or fairly suggest that the position (or contact) of the pinch rollers indicates the deletion of the tape.

Young discloses a combined magnetic tape reader and magnetic card reader (see abstract) a plurality of pinch rollers 35 and 36, and a pinch roller switch 49 which  
5 indicates "card position" and "end of record position."

It is generally known in the art that rollers (or pinch rollers) are used feed card, tape or similar medium. As disclosed in Young, it is also known that the displacement of the pinch rollers would turn the switch on either to indicate "medium in" position or otherwise. Since Tani's embodiment is tape processing apparatus, it is obvious to one  
10 ordinary skill in the art to adopt such known switch in Tani to improve user notification of depletion of the tape.

***Allowable Subject Matter***

4. Claims 1-16, 18, and 19 are allowed.

15 5. The following is a statement of reasons for the indication of allowable subject matter: The claims are directed at an apparatus and the method for automated assembly machine processing a reel tape. Along the tape that is being fed into the apparatus, at least one indication is positioned at a location along the tape at which a predetermined portion of the component reel has been depleted, the predetermined portion indicating a  
20 percentage us of the component reel. The indication read by the reader is transmitted. Such apparatus and the method is neither disclosed nor suggested by the cited references.

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***Response to Remarks***

6. Applicant's amended claims and remarks filed on May 17, 2007 have been carefully reviewed and considered. Accordingly, this Office Action is made non-final. Applicant is also reminded that withdrawn claims need to be canceled during the prosecution in order for this application to be allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 8:00 AM to 5:00 PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (571)273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available for Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ahshik Kim  
Primary Examiner  
Art Unit 2876  
August 3, 2007